

AN ORDINANCE

101846

AUTHORIZING THE CITY MANAGER TO GRANT A FEE WAIVER TO DRURY SOUTHWEST, INC. OF UP TO \$74,419.00 IN CONNECTION WITH THE TEMPORARY STREET AND SIDEWALK CLOSURES RELATED TO THE CONSTRUCTION OF THE RIVERWALK EXTENSION FROM GATE 3 TO GATE 4 ALONG THE MAIN CHANNEL OF THE SAN ANTONIO RIVER.

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WHEREAS, in December 2004, City Council approved a Development Agreement (the "Agreement") with Alamo National Bank Building Development Partnership, L.P. (the "Developer") to redevelop the historic Alamo National Bank building into a new Drury Plaza Hotel; and

WHEREAS, the Agreement provides that the Developer will, at its own cost, extend a portion of the Riverwalk from Gate 3 (northern access to river bend area) to Gate 4 (adjacent to the City's International Center) and provide landscaping, lighting and streetscaping along the pedestrian walkway; and

WHEREAS, upon completion, the Developer will convey such improvements to the City for public use; and

WHEREAS, cost of the improvements have been estimated to be \$3,000,000.00, and include fees associated with the temporary lane and sidewalk closure of several downtown thoroughfares; and

WHEREAS, such closures are necessary to construct the improvements during a time when the San Antonio River is being drained and is more easily accessible; and

WHEREAS, the Developer has agreed to work closely with staff from the City's departments of Parks and Recreation, Historic Design, Public Works and Economic Development to ensure that the improvements on the Riverwalk are timely; and

WHEREAS, the cost in fees associated with the closures is estimated to be approximately \$105,525.00 and the Developer received a score of 70 on the City's Incentive Scorecard application making the project eligible for a 25% reduction of actual fees; and

WHEREAS, the Developer is requesting an additional amount of \$74,419.00 in temporary lane and sidewalk closure fees be waived by the City; and

WHEREAS, District 1 City Councilman Roger O. Flores has circulated a City Council Consideration Request (Exhibit "A") to favorably consider the additional waiver of temporary lane and sidewalk closure fees; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager is hereby authorized to waive certain additional fees of up to \$74,419.00 associated with the temporary street and sidewalk closures related to the construction

of the Riverwalk extension from Gate 3 to Gate 4 along the main channel of the San Antonio River.

SECTION 2. The fee waiver authorized in this ordinance is subject to the Developer complying with the terms and conditions of the Development Agreement and Incentive Scorecard Agreement. The Incentive Scorecard Agreement shall be amended to reflect the fee waiver authorized by this ordinance.

SECTION 3. The City Manager, or his designee, is hereby authorized, to execute any and all necessary documents deemed necessary by the City Attorney's Office to fulfill the purpose and intent of this ordinance.

SECTION 4. This ordinance shall be effective on and after the tenth day after passage.

PASSED AND APPROVED this 15th day of December 2005.


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM: _____


for City Attorney